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T-420 P.08/07 F-395

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JUN 11 2007PATENT  
Attorney Docket No. 101.0037-02000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Gary KarlIn Michelson  
Serial No.: 10/631,309  
Filed: July 31, 2003  
For: METHOD FOR THE DELIVERY  
OF ELECTRICAL CURRENT TO  
PROMOTE BONE GROWTH  
BETWEEN ADJACENT BONE  
MASSES

Confirmation No.: 1889

Group Art Unit: 3772

Examiner: Michael A. Brown

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Petitioner ("inventor/owner") Gary KarlIn Michelson, M.D., residing at 13140 Boca De Canon Lane, Los Angeles, California 90049, represents that he is the only inventor/owner of the entire right, title and interest in and to the above-identified application, Serial No. 10/631,309 filed July 31, 2003 for METHOD FOR THE DELIVERY OF ELECTRICAL CURRENT TO PROMOTE BONE GROWTH BETWEEN ADJACENT BONE MASSES, and is the only inventor/owner of the entire right, title and interest in and to application Serial No. 08/250,177, filed May 27, 1994 (now U.S. Patent No. 6,120,502), for APPARATUS AND METHOD FOR THE DELIVERY OF ELECTRICAL CURRENT FOR INTERBODY SPINAL ARTHRODESIS.

To obviate a double patenting rejection, Gary KarlIn Michelson, M.D. hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the above-identified application, Serial No. 10/631,309, which would extend beyond the expiration date of Patent No. 6,120,502 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,120,502, this agreement to run with any patent granted on

Terminal Disclaimer 06-11-07

PAGE 6/7 \* RCVD AT 6/11/2007 6:44:18 PM [Eastern Daylight Time] \* SVR:USPTO-EFXXRF-3/19 \* DNS:2738300 \* CSID:3102862795 \* DURATION (mm-ss):02:30

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the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on application Serial No. 10/631,309 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of Patent No. 6,120,502, as presently shortened by any terminal disclaimer, in the event that Patent No. 6,120,502: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is to be charged to Deposit Account No. 50-1066. If there are any additional fees due in connection with the filing of this document, please charge the fees to our Deposit Account No. 50-1066. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

The undersigned is authorized to act on behalf of inventor/owner Gary Karlin Michelson, M.D.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: June 11, 2007

By   
Amedeo F. Ferraro  
Registration No. 37,129

1557 Lake O'Pines Street, NE  
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Subject: U.S. Patent Application No. 104631,309 Gary K. Michelson Filed: July 31, 2003	Date: December 6, 2007			
METHOD FOR THE DELIVERY OF ELECTRICAL CURRENT TO PROMOTE BONE GROWTH BETWEEN ADJACENT BONE MASSES Attorney Docket No. 10L0037-02000 Customer No. 22882 Confirmation No.: 1889		Confirmation Copy to Follow: NO		
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